

## STATE OF NEW HAMPSHIRE

## PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY  
AND MUNICIPAL EMPLOYEES, AFL-CIO,  
LOCAL 2715, HILLSBOROUGH COUNTY

Complainant

v.

NELSON MacASKILL, ADMINISTRATOR  
HILLSBOROUGH COUNTY HOUSE OF  
CORRECTION

Respondent

CASE NO. A-0428:4

DECISION NO. 81-07

## APPEARANCES

Representing the complainant, Local 2715, AFSCME:

James C. Anderson, AFSCME  
James Gray, President Local 2715  
Shirley Brien  
Theresa Zeludancz

Representing the respondent, Nelson MacAskill:

David Horan, Esquire, Assistant County Attorney  
Richard Roulx, Business Administrator  
Nelson MacAskill, Administrator

## BACKGROUND

On November 15, 1979, James Gray, President of Local 2715, filed unfair labor practice charges against Administrator Nelson MacAskill alleging discrimination against Theresa Zeludancz by eliminating her position for filing prior charges with PELRB. That Mrs. Zeludancz had previously held a position of Account Clerk and that the position itself had not been abolished, but the title changed to Secretary II, thereby changing the existing bargaining unit. He also alleged that Article VII of the agreement was violated in that it called for posting of all promotions and transfers for a period of ten (10) administrative days and this was not followed and, that applicant must be given a sixty (60) day qualifying period. Mrs. Zeludancz was informed that she did not meet the qualifications of Secretary II and therefore was terminated.

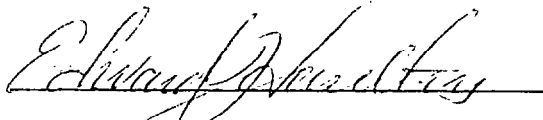
Respondent denied the charges that Mrs. Zeludancz had been terminated in retaliation for filing previous charges and also denied that any violations of the existing agreement occurred.

FINDING OF FACTS

1. Mrs. Zeludancz held a part-time Clerk I position.
2. In the change of administration the part-time Clerk I position was eliminated and a full-time secretarial position was created which involved stenographic skills.
3. Mrs. Zeludancz, although indicating she would take stenographic courses, did not qualify for the new position.
4. During the first posting requirement, open only to members of the bargaining unit Mrs. Zeludancz did apply for the new position.
5. Mrs. Zeludancz was granted an interview for the position and it was the administrator's position that she did not meet the requirements.
6. The position of Account-Clerk was abolished by the County which is considered within management's prerogative.
7. The hearing produced no factual evidence that Theresa Zeludancz was discriminated against because of actions before this Board in prior cases involving a monetary settlement.
8. The Board reviewed in detail the job specification and classification questionnaire offered as exhibits.
9. Evidence did not support the claim that the new position as Secretary II was the same position as Account Clerk which had been eliminated by the County.

ORDER

After careful consideration of all the evidence presented at the hear the Board finds no unfair labor practice and the complaint is hereby dismissed.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 10th day of April, 1981.

All concurred. Chairman Haseltine, presiding. Members, Seymour Osman, Russell Hillard, David Mayhew. Also present Evelyn C. LeBrun, Executive Director.